

AO 91 (Rev. 11/11) Criminal Complaint

Agent:

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BPA Michael Everson

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UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Rigoberto GIRON-GARCIA

Case No. 25-mj-30282

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 26, 2025 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

Unlawful Re-Entry after Removal from the United States

This criminal complaint is based on these facts:

On or about April 26, 2025, in the Eastern District of Michigan, Southern Division, Rigoberto GIRON-GARCIA an alien from Honduras, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about August 4, 2017, near Alexandria, Louisiana, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326 (a).

☒ Continued on the attached sheet.


*Complainant's signature*Michael Everson, BPA*Printed name and title*

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: May 2, 2025

City and state: Detroit, MI


*Judge's signature*Elizabeth A. Stafford, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT

I, Michael Everson, declare the following under penalty of perjury:

1. I am a Border Patrol Agent with the United States Department of Homeland Security, United States Border Patrol. I have been employed in this capacity since December 2011. Currently, I am assigned to the Detroit Border Patrol Station. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include Border Patrol Agents and record checks of law enforcement databases. I have also reviewed material from the official Immigration file and system automated data relating to Rigoberto GIRON-GARCIA, which reveals the following:
2. GIRON-GARCIA is a forty-five-year-old male, born on August XX, 1979, native and citizen of Honduras, who last entered the United States at or near an unknown place, without being admitted, inspected, or paroled by an Immigration Officer.
3. On or about September 14, 1999, GIRON-GARCIA was arrested by Border Patrol Agents near Nogales, Arizona using the name Jose LOPEZ-HERNADEZ and the date of birth of August XX, 1979. He claimed that he was a Mexican citizen. He was granted a Voluntary Return (VR) back to Mexico that same day.
4. On or about September 15, 1999, GIRON-GARCIA was arrested by Border Patrol Agents near Nogales, Arizona using the name Rigoberto TIRON-GARCIA and the date of birth of August XX, 1980. He claimed that he was a Mexican citizen. He was granted a (VR) back to Mexico that same day.
5. On or about September 16, 1999, GIRON-GARCIA was arrested by Border Patrol Agents near Nogales, Arizona using the name Rigoberto JIRON-GARCIA and the date of birth of August XX, 1980. He claimed that he was a Mexican citizen. He was granted a (VR) back to Mexico that same day.
6. On or about September 17, 1999, GIRON-GARCIA was arrested by Border Patrol Agents near Nogales, Arizona using the name Rigiberto JIRON-GARCIA and the date of birth of August 19, 1980. He claimed to be a Mexican citizen. He was issued a Notice to Appear.
7. On September 29, 1999, GIRON-GARCIA was ordered removed back to Honduras by an Immigration Judge in Florence, AZ, under the name Rigiberto JIRON-GARCIA. He was removed from the United States to Honduras on October

28, 1999.

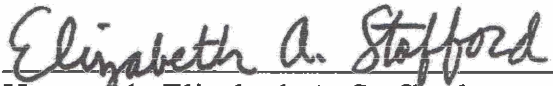
8. On or about July 25, 2017, GIRON-GARCIA was arrested by Border Patrol Agents near Rochester Hills, Michigan. According to GIRON-GARCIA, he had entered the United States illegally in July 2016 by paying \$9000 to Mexican drug cartel members, who helped smuggle him into the United States. His prior order of removal was reinstated. He was removed from the United States to Honduras on August 4, 2017, through Alexandria, Louisiana.
9. On April 26, 2025, Auburn Hills, MI, Police encountered GIRON-GARCIA following a vehicle stop for a traffic violation. Auburn Hills Police contacted Detroit Border Patrol Agents for assistance in identifying a subject. Border Patrol Agents arrived on scene to conduct an immigration check. Border Patrol Agents confirmed the identity of GIRON-GARCIA and that he was illegally present in the United States. He was transported to the Detroit Border Patrol Station for processing. His prior order of removal was reinstated.
10. Rigoberto GIRON-GARCIA's fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The results revealed that GIRON-GARCIA is a citizen of Honduras with the foregoing immigration history who has been previously removed from the United States. The record checks did not provide any evidence that GIRON-GARCIA legally entered the United States or had been issued any document or status that would allow him to enter or remain the United States.
11. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
12. Review of the Alien File (A# xxx xxx 012) for Rigoberto GIRON-GARCIA and queries in Department of Homeland Security databases confirm no record exists of GIRON-GARCIA obtaining the express permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal on August 4, 2017.

13. Based on the above information, I believe there is probable cause to conclude that Rigoberto GIRON-GARCIA, is an alien who was found in the United States after removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8, United States Code, Section 1326(a).



Michael Everson, Border Patrol Agent
U.S. Department of Homeland Security

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable Elizabeth A. Stafford
United States Magistrate Judge